SERVICE DELIVERY PLAN

April 1, 2007 – March 31, 2010

PUBLIC GUARDIAN
AND TRUSTEE OF
BRITISH COLUMBIA

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Transmittal Letters

To: The Honourable Wally Oppal
Attorney General

Pursuant to s. 22 (1) of the *Public Guardian and Trustee Act,* I have the honour of delivering the Service Delivery Plan for the Public Guardian and Trustee of British Columbia.

This plan covers the period April 30, 2007 to March 31, 2010. The plan was prepared under my direction and has been revised so that all material fiscal assumptions and policy decisions as of April 30, 2007 have been considered in preparing it. I am accountable for the basis on which the plan has been prepared.

_____ May 31, 2007_____
Public Guardian and Trustee of BC Date

To: Jay Chalke
Public Guardian and Trustee

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, I approve the Service Delivery Plan for the Public Guardian and Trustee of British Columbia.

_____ _____
Attorney General Date

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, the attached Service Delivery Plan for the Public Guardian and Trustee of British Columbia has been approved by the Treasury Board.

_____ _____
Chair of Treasury Board Date

Message from the Public Guardian and Trustee

I am pleased to present the Service Delivery Plan of the Public Guardian and Trustee (PGT) for April 1, 2007, to March 31, 2010. This plan covers a period that offers exciting opportunities for PGT to enhance its contributions to achieving Great Goal Number Three: Build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors.

Significant improvements will be made in responding to needs of child and youth clients who are in the continuing care of the Province. This activity, which results from implementing the BC Child and Youth Review, will provide for delivery of legal services associated with critical incident reporting regarding children and youth for whom the PGT is guardian of estate. I welcome government's acknowledgement of funding for this important responsibility.

Another aspect of providing legal services on behalf of children and youth could become a major business activity, in the event implementation of No Free Ride, a new Insurance Corporation of British Columbia (ICBC) initiative proceeds. As this program is currently planned by ICBC, minors will become defendants in civil proceedings. This will trigger PGT's responsibility to act as their litigation guardian, a responsibility that, until now, has occurred only rarely. While estimates of the numbers involved have ranged very broadly, even small increases in legal activity are costly.

Other key PGT responsibility areas will also be impacted during the period covered by this plan. Bill 29 is before the legislature to replace outdated court and statutory guardianship laws affecting incapable adults and to facilitate incapacity planning options for British Columbians. I appreciate the efforts of the government in seeking to implement a modern statutory regime and eagerly anticipate the results. I am hopeful that these new laws will be enacted relatively soon and will provide details of our implementation plans, anticipated performance and associated fiscal impact in next year's plan.

I also anticipate that PGT estate and trust services will attain financial self-sufficiency during this period, overcoming the impact of an historical backlog associated with a transfer of files to this office for resolution. This will position PGT to consider providing cost recoverable personal trust services for those no longer served by the market.

Meeting the promise of this plan will require developing effective responses to challenges associated with maintaining and improving current service levels. These challenges are amplified by our financial model and cost pressures and I will be submitting proposals in this regard in future plans.

I also look forward to continuing our close cooperation with other public bodies to make Great Goal Number Three a reality and provide the best system of support in Canada for vulnerable British Columbians.

Jay Chalke, Q.C.
Public Guardian and Trustee
May 31, 2007

TABLE OF CONTENTS

Transmittal Letters 3
Message from the Public Guardian and Trustee 4
I. OVERVIEW OF THE CORPORATION 6
A. What is the Public Guardian and Trustee 6
B. Governance 6
C. Legislation 7
D. Funding Structure 7
E. PGT Primary Client Groups 9
F. Key PGT External Relationships 10
G. Private Sector Relationships 11
II. PRIMARY LINES OF BUSINESS 12
A. Monitoring conduct of others to advance and protect people under legal disability 12
B. Administering property of clients 12
C. Administering estates of deceased and missing persons 12
D. Making personal and health care decisions 12
E. Education and awareness 13
F. Advocacy 13
III. STRATEGIC CONTEXT 14
A. Vision 14
B. Mission 14
C. Values 14
IV. PLANNING CONTEXT AND KEY STRATEGIC ISSUES 15
A. How have PGT clients changed 15
B. Assumptions 16
1. General 16
2. Financial 17
C. What PGT has achieved in the past year 18
D. What are key challenges for PGT 19
E. What strategies PGT proposes to follow 21
V. STRATEGIC GOALS, OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES 23
A. Goals 23
B. Objectives 23
C. Benchmarks 23
D. Performance Measures 24
VI. RELATIONSHIP TO PROVINCIAL GOVERNMENT STRATEGIC PLAN 31
VII. SUMMARY FINANCIAL OUTLOOK 32
VIII. CONTACT INFORMATION 34

I. OVERVIEW OF THE CORPORATION

A. What is the Public Guardian and Trustee

The Public Guardian and Trustee (PGT) serves the most vulnerable British Columbians by providing and/or monitoring substitute financial, legal and personal decision-making on their behalf. The majority of its clients are children, (including those in continuing care of the Province), seniors, developmentally disabled, mentally ill and brain injured adults whose mental or legal incapacity makes them vulnerable to abuse, neglect and self-neglect. It also administers estates of deceased persons and provides personal trust services. PGT responsibilities span the legal, financial, health and social services sectors.

B. Governance

The organization is a corporation sole established under the *Public Guardian and Trustee Act*. Authority is vested in the Public Guardian and Trustee who is appointed by the Lieutenant Governor in Council for a six-year term to ensure independence. The current office-holder is Jay Chalke who was reappointed February 28, 2006. The PGT delegates authority to staff.

PGT is independent of government in its case-related decision-making responsibilities as fiduciary and exercises quasi-judicial authority in certain situations as a result of obligations created by statute. PGT reports to the Legislative Assembly through the Attorney General.

An Investment Advisory Committee of independent senior financial advisors is established by statute to monitor PGT investment performance and advises on strategic investment policy. An Executive Committee comprised of four directors, the Deputy Public Guardian and Trustee and the Public Guardian and Trustee manages the organization.

With headquarters in Vancouver and regional offices in Victoria and Kelowna, PGT provides services through 214 funded employee positions to approximately 27,100 clients, manages more than $640 million of trust assets and monitors approximately $835 million of trust assets administered by Private Committees.

PGT is organized into three broad operational program areas: Child and Youth Services, Services to Adults, and Estate and Personal Trust Services. These programs are in turn supported by Client Finance and Administrative Services and Legal Services. The Executive Office provides overall direction, coordination and planning, policy and communications support.

Under the *Public Guardian and Trustee Act*, PGT is subject to the most stringent public performance accountability provisions in the province. In addition to statutory requirements for annual independent financial audits of both its trust funds and its operating funds, PGT is required to have an independent annual audit of its performance report. PGT is the only public sector body in BC with this requirement. These accountability provisions reflect the inability of most PGT clients to effectively monitor PGT service quality or find alternative service providers. Transparency is a surrogate for consumer choice.

C. Legislation

PGT powers and duties derive from and are directed by both common law and numerous acts including the following key statutes:

- *Adult Guardianship Act*
- *Child, Family and Community Service Act*
- *Community Care and Assisted Living Act*
- *Employment Standards Act*
- *Estate Administration Act*
- *Estates of Missing Persons Act*
- *Family Relations Act*
- *Health Care (Consent) and Care Facility (Admission) Act*
- *Infants Act*
- *Insurance Act*
- *Insurance (Motor Vehicle) Act*
- *Patients Property Act*
- *Power of Attorney Act*
- *Public Guardian and Trustee Act*
- *Representation Agreement Act*
- *Trust and Settlement Variation Act*
- *Trustee Act*
- *Wills Variation Act*

D. Funding Structure

PGT services are funded by a combination of fees and commissions based on client assets and income and supplementary funding from the Government of British Columbia for public services. The majority of funding is from fees for services.

Since the 2002 Core Services Review, PGT has been moving to a financial model in which services would be allocated on a rational and principled basis in which each specific PGT business line will become operated on one of three bases, including fully cost recovered, fully public funded and a blend of shared cost recovery and public funding. Cross-subsidization across business lines would be ended under this model.

The existing PGT financial model has yet to fully reflect the values stated above as their implementation will have resource implications. However, movement has occurred in certain specific areas towards achieving the stated goals. This is especially true in Estate and Personal Trust Services where full cost recovery is the goal.

PGT had originally intended to submit one proposal to revise its financial model encompassing services across all divisions and had begun related development work. However, it has now been decided that a staged revision will be more effective.

Estate and Personal Trust Services is moving towards a break-even status with year-over-year results reflecting the progress to this goal.

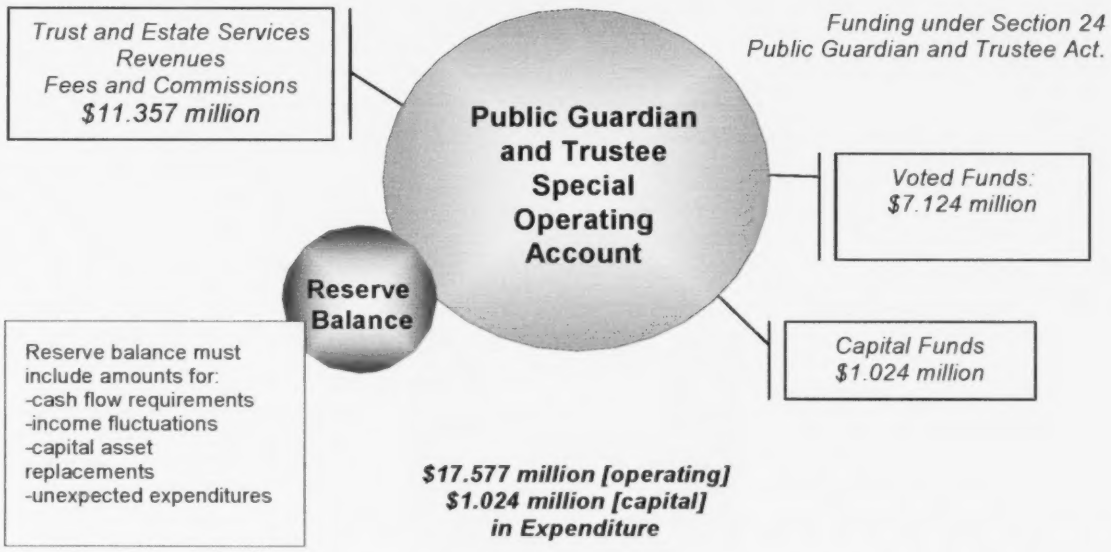
Child and Youth Services will be the next service area to be addressed as PGT assumes new duties with respect to critical incident reporting in response to the report of the BC Child and Youth Review. PGT is developing a proposal, intended to be presented to government in 2007/08, that will recommend adjustments to the PGT financial model for child and youth clients along with related issues of resourcing and mandate. These latter impacts will occur in subsequent fiscal years.

The final and most complex area of change will relate to Services to Adults. It is anticipated that a proposed framework for this will be presented together with identification of resource impacts of new adult guardianship legislation.

The objective of these actions is to facilitate fully realizing the Province's Great Goal Number Three and building "the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors" who comprise almost all PGT clients. They will also complete implementation of the Core Services Review.

The following chart identifies the current PGT financial model.

Financing Formula for 2006/07 (delegated)

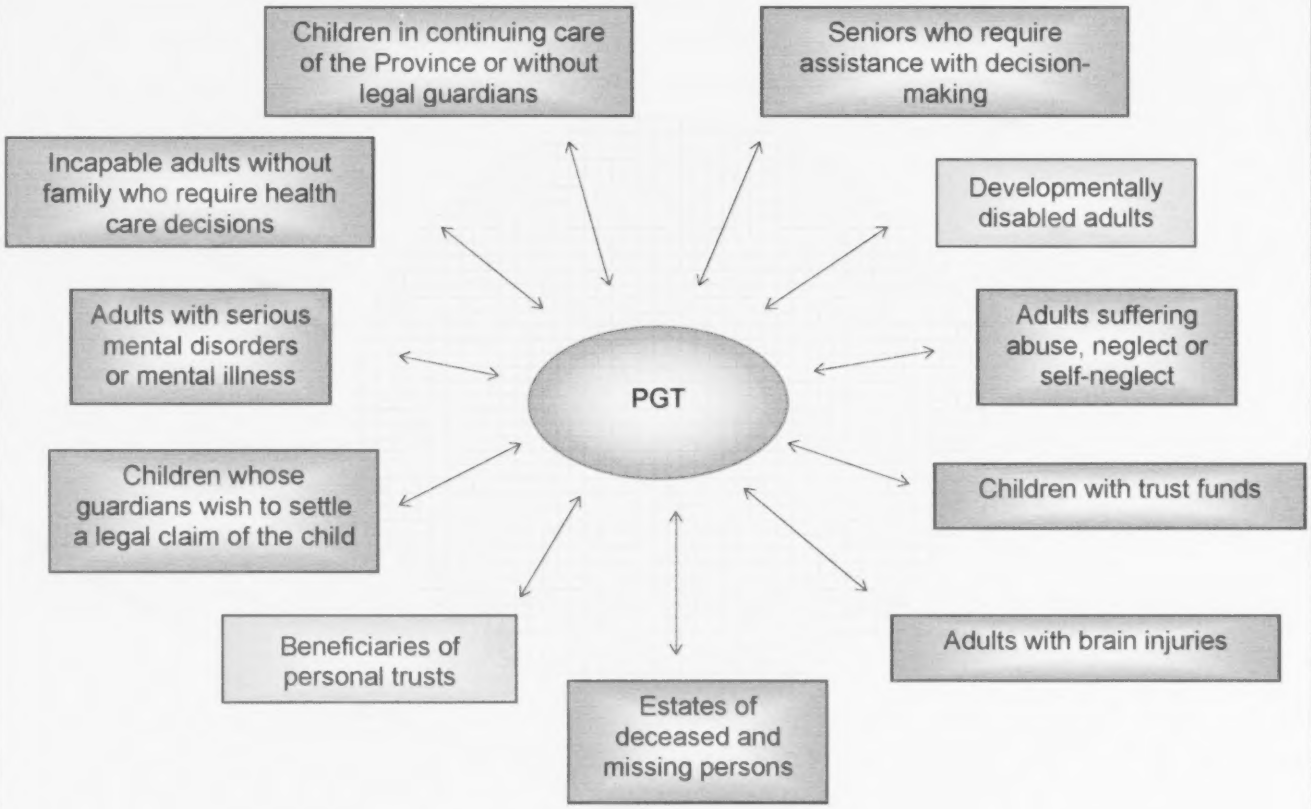


The fees and commissions to be charged by PGT in fiscal 2007/08 are based on the following percentages:

- Income Commission
  - 5% of income received
- Capital Commission
  - 5% of the value of assets/cash
  - 7% in estate administration (subject to a minimum commission of $3,500)
- Asset Management Fee
  - 0.4 of 1% per annum on the gross value of all assets, computed monthly. This is charged on those assets for which a value can be reliably determined, e.g., cash, bonds, term deposits, debentures, real properties, segregated investment accounts, equities, investment fund units, and RRSPs.

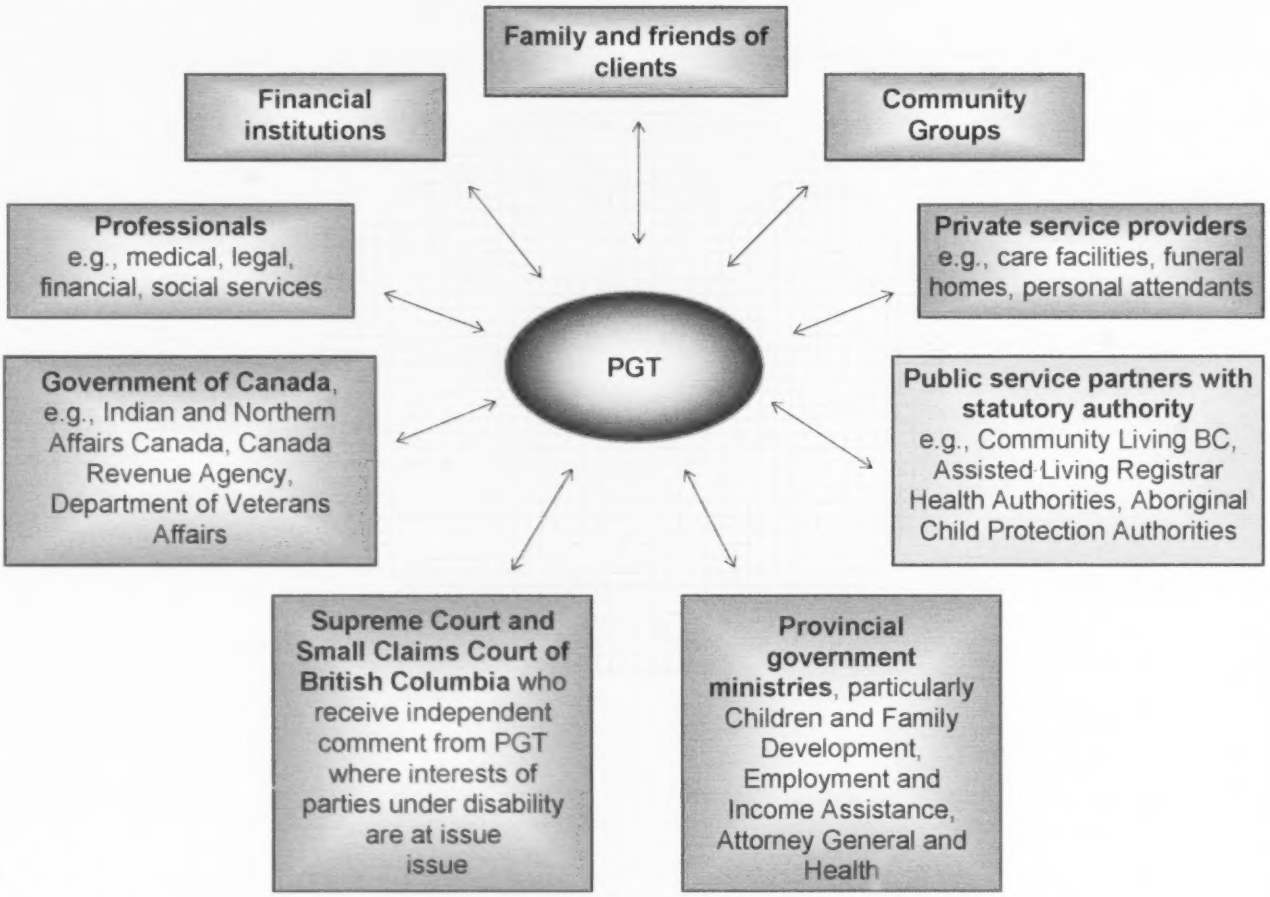
In addition, PGT charges certain hourly and fixed cost service fees. All PGT fees and commissions are established by the Lieutenant Governor-in-Council and are set out in the *Public Guardian and Trustee Fees Regulation* (B.C. Reg. 312/2000, as amended). Third party charges for client-related services are charged directly to clients.

E. PGT Primary Client Groups


Children in continuing care of the Province or without legal guardians
Seniors who require assistance with decision-making
Incapable adults without family who require health care decisions
Developmentally disabled adults
Adults with serious mental disorders or mental illness
Adults suffering abuse, neglect or self-neglect
PGT
Children whose guardians wish to settle a legal claim of the child
Children with trust funds
Beneficiaries of personal trusts
Adults with brain injuries
Estates of deceased and missing persons

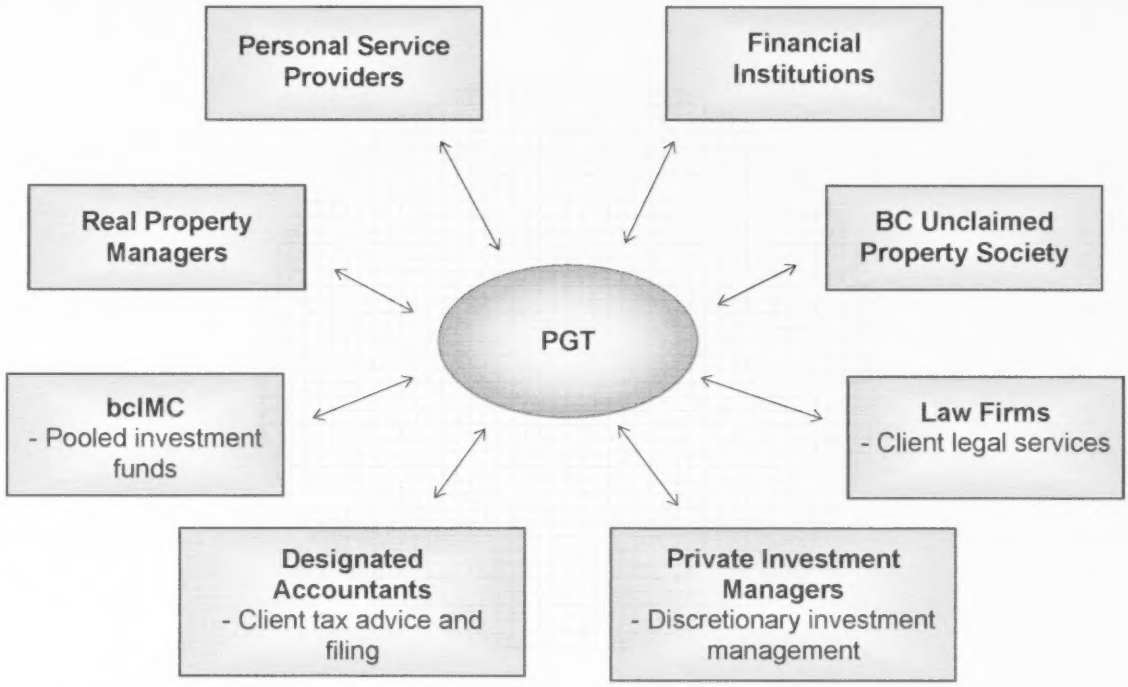
Almost all PGT clients are identified in Great Goal Number Three.

F. **Key PGT External Relationships**


Family and friends of clients
Financial institutions
Community Groups
Professionals e.g., medical, legal, financial, social services
Private service providers e.g., care facilities, funeral homes, personal attendants
PGT
Government of Canada, e.g., Indian and Northern Affairs Canada, Canada Revenue Agency, Department of Veterans Affairs
Public service partners with statutory authority e.g., Community Living BC, Assisted Living Registrar Health Authorities, Aboriginal Child Protection Authorities
Supreme Court and Small Claims Court of British Columbia who receive independent comment from PGT where interests of parties under disability are at issue issue
Provincial government ministries, particularly Children and Family Development, Employment and Income Assistance, Attorney General and Health

Clients are at the core of all PGT activity. PGT liaises with and/or works in partnership with a broad range of individuals and organizations in helping clients meet their needs.

G. Private Sector Relationships



PGT works with a wide range of private sector service providers in meeting its responsibilities for protecting client personal, legal and financial interests.

II. PRIMARY LINES OF BUSINESS

The Public Guardian and Trustee (PGT) is responsible for making or overseeing substitute decision-making on behalf of British Columbians who require assistance and/or protection because of legal disability. People become PGT clients through legislation, court order, trust deed or referral and some choose PGT as their service provider for personal trusts. In order to carry out its duties and responsibilities, PGT daily operations are centred around the following primary lines of business.

A. Monitoring conduct of others to advance and protect people under legal disability

PGT screens, investigates, monitors, takes protective measures and otherwise intervenes on behalf of people under legal disability or who may be at risk because of abuse, neglect or self-neglect. The PGT acts to ensure that the legal and property interests of clients are protected. To accomplish this, PGT reviews various types of applications in legal proceedings, investigates allegations, reviews accounts of Private Committees and appoints Designated Authorities to investigate and respond to possible abuse, neglect or self-neglect. Activities may include seeking incapacity assessments, providing comments to the Supreme Court of British Columbia, reviewing proposed litigation settlements, advancing litigation on behalf of clients, freezing accounts, removing authority from third parties and taking legal action.

B. Administering property of clients

A major PGT focus is on meeting its fiduciary obligations to protect and administer property on behalf of clients. PGT ensures that client needs are met, client property is protected, clients are enabled to access services and client wishes are met to the extent possible. To accomplish this, PGT secures, manages and disposes of assets. This may include physically securing property, determining and collecting income, paying bills, administering personal trusts, investing as a prudent investor, distributing trust accounts and making disbursements for the benefit of the client. In planning and implementing these activities, PGT seeks to understand the client context and exercises professional discretion in making quality decisions.

C. Administering estates of deceased and missing persons

PGT may act as executor or administrator of the estates of deceased persons. As Official Administrator of BC, PGT administers estates of persons who die without a will and have no family willing to administer their estate. The PGT also acts as Curator of the estates of missing persons. These activities are intended to ensure efficient, orderly intergenerational wealth transfer, reduced litigation and increased certainty for property obligations upon death. To accomplish this, PGT arranges funerals, traces heirs, submits tax returns and distributes estates. This may include applying for legal authority, collecting and paying debts, documenting heirs and liquidating and distributing assets.

D. Making personal and health care decisions

PGT makes or appoints other substitute decision-makers to make health care decisions on behalf of persons who are unable to provide consent to treatment and who are without a supportive network. PGT may also seek to be appointed by the court to make other personal care decisions on behalf of incapable adults. This is intended to ensure that client health and safety are protected, client well-being is promoted and client wishes are respected. To accomplish this, PGT arranges client access to services and shelter and participates in client decision-making. This may include reviewing client needs, wishes, values, interests and developing individualized care plans. In carrying out these responsibilities, PGT seeks to

ensure that decisions are made based on client needs, wishes, values and interests where possible.

E. Education and awareness

PGT recognizes the importance of providing public information and education to manage the growth in demand for PGT services, facilitate cooperation with service partners and stakeholders and to inform the public about related issues. This is intended to help professional groups to properly apply the law, assist service partners in understanding their responsibilities, encourage appropriate utilization of PGT services, deter financial abuse of incapable and vulnerable people and manage future demand for PGT services through increased personal planning for incapacity and death. To accomplish this, the PGT communicates with clients, service partners, key stakeholders and the public. This may include producing publications, making presentations, providing media releases, carrying out targeted mailings or creating websites. In carrying out public awareness activities, PGT seeks to ensure that target groups are aware of their obligations and rights and become more aware of PGT and its responsibilities. PGT has very limited resources for these services and must balance speaking invitations and requests for materials with its capacity to respond. Stakeholder and staff consultations identified education and awareness as a major issue that affected their effectiveness.

F. Advocacy

PGT advocates for improved laws, policy and regulations in its responsibility areas and supports clients in accessing services and exercising their rights. Such activities are intended to ensure that civil, personal and property interests of people under legal disability are protected. To accomplish this on a broader level, PGT liaises with government and other key stakeholders and from time to time publishes discussion papers. This may include analyzing emerging issues and requesting and making recommendations regarding policy and legislation. In carrying out these responsibilities, PGT seeks to achieve implementation of systemic preventative policy and practice, ensure that decision-makers are aware of the impact of legislative changes and ensure that laws and policies in BC take the interests of people under legal disability into account. At a client level, this includes considerable liaison with service providers and may include legal action to pursue rights and entitlements of clients.

III. STRATEGIC CONTEXT

A. Vision

Rights, choices and security for all British Columbians.

B. Mission

> To safeguard and uphold the legal and financial interests of children; to manage the legal, financial and personal care interests of adults needing assistance in decision-making; and to administer the estates of deceased and missing persons.

C. Values

Six major values underpin PGT work, support achieving the Province's five Great Goals and are reflected in all aspects of PGT performance:

- **Client-centred service**
  Clients are at the centre of PGT services and PGT strives to ensure that services are individualized, equitable and accessible.

- **Respect**
  In managing the personal and health care decision-making of adults who are unable to make these decisions themselves, PGT honours the principles of self-determination and autonomy.

- **Innovation**
  Staff members are encouraged to be innovative in designing support services that are the least restrictive and intrusive as possible. Court processes are used as a last resort.

- **Teamwork**
  PGT staff work in teamwork with one another and with their service partners in striving for seamless service delivery.

- **Openness**
  Annual public reporting on all aspects of PGT performance, as required by the *Public Guardian and Trustee Act*, ensures accountability and transparency to clients, government and the public.

- **Staff support**
  Staff members are acknowledged to be the greatest resource of PGT. Staff are recognized and appreciated for their expertise and professionalism as well as their teamwork and consultation skill. PGT is committed to ongoing development and training of all its staff members.

IV. PLANNING CONTEXT AND KEY STRATEGIC ISSUES

The *Public Guardian and Trustee Act* was proclaimed in 2000 as part of an adult guardianship legislation package that both initiated a broad transformation of the office and expansion of its responsibilities from its previous trustee role. It also introduced a new framework for protecting vulnerable people at risk because of legal disability. Since that time, PGT has reshaped its role and has developed and coordinated implementation of this framework in conjunction with its health, social services, legal and financial sector partners.

This transformation has coincided with restructuring of the province's health and social services sectors which has dramatically altered the service context for PGT clients. Given the nature of PGT clients, PGT is heavily impacted by changes to other public, not-for-profit and private organizations or services.

PGT operates in an environment of capped expenditure levels and limited capacity to influence or buffer the in-year impact of increased demand for services. Revenues are impacted directly by market conditions, rates of return on investments and the length of time that clients remain with PGT. Demand for services is related to demographics, availability of alternatives to PGT services, court decisions and the range of services provided and decisions made by other organizations.

PGT responsibilities increasingly involve monitoring, investigating and providing other public services. These new public duties have been largely unfunded as the PGT financial model reflected its historic role as trustee primarily managing financial and other assets.

While suitable for this type of service to individuals, the traditional PGT model of self funding from fees and commissions charged on client income and assets is inadequate to support public services. This has been recognized by increased public funding such as that beginning in 2007/08 for the legal response to critical incident reports involving children in continuing care of the Province.

A. How have PGT clients changed

The nature of PGT clients has changed significantly over the last several years and continues to change in all major client areas.

Previously, **adults** usually became PGT clients when the director of a mental health facility such as Riverview or Woodlands certified them as incapable. Upon notification, PGT assumed total responsibility for their assets and managed them with an emphasis on preservation until the clients were certified as capable or more likely, until their death. Most were long-term clients with limited and non-urgent demands on PGT because they lived in institutionalized settings where their basic needs were being met. This changed with deinstitutionalization and with broad legislative changes intended to individualize and more finely tune guardianship.

The adult guardianship framework today recognizes and respects the importance of both client independence to the extent possible and the value of community living. The health and social services sectors have been restructured to support maximum self-sufficiency for clients and efficiency and focus for service providers. PGT clients require increased advocacy, support and substitute decision-making to meet their needs for food, shelter, health care and other services in this restructured landscape.

The circumstances for becoming a PGT adult client are also very different now. The process is usually initiated when someone, such as family, neighbour, doctor or financial institution advises

PGT that a person may be vulnerable to abuse, neglect or self-neglect because of mental impairment. PGT investigates and may ask a health professional to assess the person's mental capability. If the adult's assets are at risk of misappropriation, PGT may freeze their assets or may involve Designated Authorities (Regional Health Authorities or Community Living BC) who are obliged to take other protective action.

After review, PGT determines if a person is a potential client and if so, what PGT services are required. Services may range from making a single health care decision on behalf of an adult through administering their finances to full personal and financial substitute decision-making. Increasingly, the adult caseload comprises seniors with complex financial needs such as debt management.

The nature of **child and youth** clients has also been changing. PGT has approximately 17,500 minor clients, of whom, more than 30 percent are in continuing care of the Province. These clients are involved in more litigation than previously. Further, more benefits are being received and administered on their behalf.

The changing structure of child and youth service partners impacts PGT workload. The devolution of parts of the Ministry of Children and Family Development into Community Living BC and towards Regional and Aboriginal Child Protection Agencies directly impacts PGT.

No Free Ride, an ICBC initiative is currently being piloted in New Westminster and Richmond. Province-wide rollout will begin in 2007 as police detachments are added to an integrated computer system. No Free Ride would add a new potentially costly responsibility to PGT associated with defending children who are the subject of civil litigation arising from alleged car theft. PGT currently occasionally acts for children who are defendants in civil proceedings (less than 10 cases per year). While estimates for potential numbers of cases under the new program have ranged very widely, even small increases in numbers of legal actions may be costly.

The client base associated with **deceased estates** continues to evolve both in response to legislation and to PGT priority activities. An amendment to the *Estate Administration Act* gave PGT authority to decline to administer estates where the cost of administration would be greater than the value of the state. PGT continues to evaluate the potential for promoting its **estate and personal trust administration services** on a cost recovery basis to persons who are no longer served by the historic providers of this service.

B. Assumptions

The 2007/08-2009/10 Service Delivery Plan has been developed based on a number of assumptions. These are:

1. General

- Demographic changes will continue to increase demand for PGT services, particularly in the areas of services to seniors suffering from dementia and diseases of aging and a diverse and mobile population but such changes will occur gradually over time.

- Public, client and stakeholder expectations about the nature, quality and service delivery mode of PGT services will continue to rise and evolve.

- Challenges associated with providing service to PGT clients will continue to increase as the nature and availability of community supports evolves and the number of agencies with statutory authority increases.
- Pressure to provide legal services on behalf of clients will continue to grow.
- PGT responsibility areas, such as children in care, seniors and persons with disabilities, will continue to attract significant public attention.
- Limits to PGT information management capacity will continue to impair service delivery until upgraded.

2. Financial

- Projections assume financial profiles for the client base operations consistent with that of previous fiscal years.
- No allowance has been made for the financial impact of the future proposals to address the core funding model.
- No allowance has been made for potential changes to the BC Crown Counsel Agreement. The current agreement expires on March 31, 2007.
- Due to uncertainties surrounding the nature and timing of legislative (such as proclamation of Bill 29 and enactment of the care facility admission aspects of Bill 26), no allowance has been included for potential expenditure or revenue changes associated with these matters.
- The impact of the transfer of certain shared service costs including Workplace Technology Services (WTS) and Public Service Agency budgets to Ministries and branches has not been reflected in the projections as the potential dollar values are unknown.
- ICBCs No Free Ride initiative will have no financial impact on PGT in 2007/08 and in subsequent years. ICBC has not made this commitment but discussions between PGT and ICBC are ongoing regarding this program. Given the pilot nature of the program at this time risk is manageable in 2007/08 but not in subsequent years. Further information will be provided in future plans.
- Increases of $0.650M in 2007/08 ($0.987M - 2008/09; $1.276M -2009/10) have been made arising from the impact of the negotiated settlements under the BCGEU Master and Component Agreements and compensation increases for excluded management
- Leave liability amounts have been calculated as 0.786% of salaries for 2007/08 through 2009/10.
- Benefits have been included at 24.83% of salaries (including leave liability) throughout the period.
- Increases to building occupancy costs of $0.047M have been included for 2007/08 only.

- A rate of return of 4.6% on clients' cash balances has been applied when calculating revenues for 2007/08 through 2009/10.

- Voted funds are provided in accordance with amounts established through the Ministry of the Attorney General's 3-year Service Plan in the amount of $8.757M for 2007/08 ($9.974M – 2008/09, &10.303M – 2009/10).

- Within the above totals, new voted funding has been provided via a transfer from the Ministry of Children and Family Development for the costs of delivering critical incident reporting response services. The PGT received $1.101M for 2007/08; $2.033M for 2008/09 and $2.073M for 2009/10. Amounts are net of transfers for shared services arising from the new FTEs in the program.

- The PGT has increased FTEs by 10 in fiscal 2007/08 and a further 10 in 2008/09 for the delivery of critical incident reporting response services. Yearly totals are 224 FTEs – 2007/08; 234 FTEs – 2008/09 and 2009/10.

- Reductions and expenditure realignments have been made in staffing, professional services and other operating expenses in order to maintain status quo service delivery on base operations.

C. What PGT has achieved in the past year

The past year has been another busy and productive year for PGT. The following are particular accomplishments:

- PGT provided data and analysis in support of the BC Child and Youth Review and developed plans for response to MCFD generated critical incident reports involving children in care when PGT acts as guardian of estate.

- PGT issued a public discussion paper regarding adult guardianship law reform and participated in development of legislation to replace the outdated *Patients Property Act*.

- PGT implemented an enhanced framework for managing approximately 700 pieces of client owned real estate.

- PGT liaised with and responded to *Aging Well in BC*, the report of the Premier's Council on Aging and Seniors' Issues.

- PGT efforts to achieve greater tenancy rights for residents of assisted living contributed to Bill 27, the *Tenancy Statutes Amendment Act,* 2006 which was passed by the Legislature and is awaiting proclamation.

- PGT continued to liaise with stakeholders to ensure client interests are met during the provincial transition of services to developmentally disabled adults from the Ministry of Children and Family Development to Community Living BC.

- PGT represented the interests of clients in numerous class actions, including those in which compensation was sought for historic abuse, e.g. Indian Residential School class action; Woodlands School class action and the class

action on behalf of incapable adults whose veterans' pensions were administered by the Federal Department of Veterans Affairs, but no interest was paid.

- PGT liaised with Indian and Northern Affairs Canada to facilitate seamless service delivery for aboriginal clients of either or both organizations.

- PGT undertook activities designed to improve responses by health authorities, police, financial institutions and First Nations to abuse of incapable persons. A PGT staff member represented Canada at the United Nations to mark World Elder Abuse Awareness Day.

D. What are key challenges for PGT

PGT delivers the greatest proportion of its services to vulnerable clients such as seniors and children. Public services to these client groups are increasingly the subject of heightened public and judicial scrutiny. This enhanced scrutiny results in increased workloads associated with growing due process requirements and rising service expectations. It also occurs in a context of outdated and inconsistent legislation and a financial model that needs renewal.

The impact of the Hughes BC Child and Youth Review will be particularly significant. As co-guardian with MCFD of children in continuing care of the Province, PGT now receives notice of all critical incidents involving these children. As of November 2006, these come to PGT on a systemized basis through inclusion on an electronic distribution list. While this regular reporting is a welcome improvement, it has sharply increased volume in that presents operational challenges to respond. Assessing and responding to these reports will impose major pressure on PGT legal resources, particularly as the response must now also be in the context of key Supreme Court of Canada decisions on liability in abuse cases. Anticipated new voted funding for critical incident reports will greatly assist with this pressure and with the Hughes report direction that the PGT participate in an interagency body of child serving agencies (The Children's Council) and concludes information sharing agreements with these other organizations.

Other pressures arising from the Hughes report will include the need for much greater liaison activity with MCFD and agencies with statutory authority as the ministry proceeds with establishing Regional and Aboriginal Child Protection Authorities. There are currently five independent planning agencies that will become authorities, 19 delegated Aboriginal agencies and another eight that are in development. PGT must negotiate information sharing agreements and develop and maintain working relationships with each of these. PGT must also continue to work with Community Living BC with respect to children in continuing care who are also developmentally disabled.

Similar pressures are arising in PGT's adult services workload with considerable growth in the number of service partners with statutory authority such as Community Living BC and the Assisted Living Registrar. This results in increased complexity associated with developing and maintaining relations with these new organizations. PGT has traditionally operated with a minimal infrastructure and proposals will be developed to respond to the significant stress these new demands will place on its limited and already overextended infrastructure.

PGT is currently managing significant tension between constraints arising from its financial model and the growing need for client service associated with the changing nature of its client base, in the context of restructured health and social services sectors. Many PGT clients do not have support networks and require assistance in accessing an increasingly complex service environment directed at clients with the ability to be self sufficient in identifying resources.

The current PGT funding model is not responsive to changing needs and its inflexibility hampers PGT in responding effectively to both surges in client demands and growing pressure on PGT infrastructure.

PGT collects a large portion of its budget through a combination of fees and commissions charged on client income and assets. With approximately 70 percent of adult clients now receiving some form of income supplement, costs of services to them are met through cross-subsidization within and across business lines. Further, while new funding allows PGT to respond to critical incident reports for children in care, base costs of PGT acting as guardian of estate for children in continuing care continue to be offset by fees imposed on other clients including child and youth trust funds. PGT oversight responsibilities are not adequately reflected in client fees and in any event fee collection is often impractical. PGT will continue to propose changes to its financial model to adequately fund public services and connect the responsibility of paying costs with the associated approved service standards.

PGT must continue to improve its services to Aboriginal clients. For adults, this involves developing a more rational delivery of services together with Indian and Northern Affairs Canada, Health Authorities and Aboriginal communities. For children and youth, this involves working closely with new Aboriginal Child Protection Authorities. PGT must also consider the impact of treaty negotiations on protecting the rights of children in continuing care. As this work is largely unfunded, activity is, by necessity, limited in scope and when it does occur, imposes a pressure on other services.

Pressure on PGT legal services continues to grow with a significant increase in the number of class actions and individual actions involving PGT clients. The task of identifying clients who may have an interest in a class action and acting on behalf of clients in class actions is a labour intensive process. Protecting the legal interests of children in continuing care will result in a major increase in workload. A proposed ICBC initiative, "No Free Ride", could also dramatically increase legal pressures associated with defending children facing litigation associated with alleged car theft.

PGT is involved in commenting on proposed legislation, implementing new legislation and making legislative proposals and will continue to participate in responding to accountability reviews such as the BC Child and Youth Review. It contributes to other public initiatives affecting PGT clients and responsibilities such as inter-agency activities and responding to the report of the Premier's Council on Aging and Seniors' Issues.

As a fiduciary that is subject to three independent audits annually, PGT experiences considerable impact from increasingly demanding auditor standards and processes associated with the post-Enron environment. Responding to these requirements places additional pressure on the limited PGT infrastructure capacity. This capacity is further stretched by responses to freedom of information requests, many of which involve large files that are extremely complex and often appealed to the Information and Privacy Commissioner. The need for continued enhancement of the PGT quality assurance and risk management framework presents further infrastructure challenges.

The current statutory framework for PGT activities remains a disjointed combination of modern legislation and statutes based on law from previous centuries. This has resulted in significant gaps and inconsistencies in the legislative framework. PGT will continue to develop proposals and work with the Province in developing legislation to provide a sound modern statutory framework for a system of support.

There is continuing need to promote effective coordinated responses to abuse, neglect and self-neglect of seniors and other vulnerable persons. This includes increasing awareness of the financial implications of elder abuse. PGT is also working with other organizations to implement programming to prepare youth clients to receive their trust funds by improving their financial literacy.

E. What strategies PGT proposes to follow

The following strategic priorities have been developed in response to an analysis of the PGT planning context, its key strategic issues and results of extensive consultations. Implementing these strategic priorities would allow PGT to meet its evolving responsibilities and maintain its current service levels while beginning to move to a fairer and a more sustainable service delivery model.

PGT must improve services to children in continuing care of the Province by responding effectively to the new MCFD critical incident reporting process that was implemented following the report of the BC Child and Youth Review. With newly approved funding, PGT will have the capacity to investigate all of these reports and will take legal action where appropriate in support of the children.

PGT must respond to a new ICBC initiative, No Free Ride, under which legal action will be taken against children in connection with car thefts. PGT has a statutory duty to act as litigation guardian for children who are defendants in civil proceedings where parents fail to do so or where the child is in continuing care of the province. Acting in even a small number of these cases will further pressure PGT legal services.

PGT must develop and maintain effective relations with its growing number of service partners. This involves significant liaison activities and developing and implementing information sharing protocols and reporting mechanisms. It also includes working with and responding to other agencies implementing initiatives to achieve the Great Goals.

PGT must plan for support of its increased oversight and monitoring responsibilities. Immediate priorities include improving effectiveness of its monitoring of Private Committees. PGT is conducting a program review of this area that may result in changes and also anticipates that new adult guardianship legislation will impact its monitoring activity.

PGT must work to manage future growth in demand and facilitate continued personal independence by encouraging capable individuals to pre-plan in a responsible manner for possible incapacity and death through creating powers of attorney, representation agreements, wills and other legal instruments. PGT's cost-recoverable estate and personal trust services offer an option for those persons who choose PGT as their service provider. While increased incapacity planning by private individuals can assist in managing growth in demand for public guardianship it will increase volume of PGT investigations and other responses by PGT where such personal plans fail.

Implementing demand management activities and these other strategies requires both a strong public education and information program regarding the PGT role and responsibility areas and research and analysis. This will result in more effective service delivery by PGT and its service partners and will dampen growth in costs by facilitating demand management.

PGT must continue to make efforts to develop a service delivery model to achieve best practices in minimum service levels such as client visits. Attaining these minimum standards is currently constrained by case loads and by cross-subsidization within and across program lines

as well as by expenditure levels. This is also related to continued implementation of the Core Services Review which includes developing a financial model to end cross-subsidization across business lines.

PGT service levels and associated targets are modest and have not been reduced in this plan to reflect the fact that PGT resources are already fully committed to delivering necessary services to clients at existing service levels. New funding for responding to new MCFD generated critical incident reports is welcome and PGT will develop proposals to assist with unfunded pressures, for existing services. These will include proposals for a new financial model that will provide for maintaining current service levels and facilitate strategies to achieve service improvement. The new model, which will be presented in a future plan, will also address fee-related inequities.

V. STRATEGIC GOALS, OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES

A. Goals

The five goals set out in this plan were adopted on an organization-wide basis in 2002/03, were revised in 2006 and are entirely consistent with the Province's five Great Goals. These five PGT goals are:

1. Property and financial interest of PGT clients will be well managed.
2. Personal interests of PGT clients will be protected.
3. Statutory protective and monitoring services will be delivered in an appropriate, timely and fair manner.
4. PGT will contribute to public awareness, policy development and law reform initiatives affecting its responsibility areas.
5. PGT will deliver high quality client-centred services.

B. Objectives

The objectives set out in the service delivery plan are linked to these goals with some specific to particular program areas and others applying to the organization as a whole. Many of the objectives are related to timeliness of service delivery.

PGT is considering transitioning to more outcome-based performance measures over the next number of years. It is also making efforts to reduce the number of measures to better meet the BC Performance Reporting Principle of focusing on the "few, critical aspects of performance" while still satisfying PGT's specific statutory requirement of detailing performance targets and other measures for "each program area" *(Public Guardian and Trustee Act, s. 22(2))*.

C. Benchmarks

PGT is a unique organization without private sector comparability and limited comparability to public bodies in British Columbia and other jurisdictions. Because of its responsibilities, mix of services and unique legal status, its access to generally accepted service standards is limited. While similar agencies in other provinces each have some responsibilities and services or elements of them in common, none have the same mix or authorities. The PGT has initiated discussions through the National Association of Public Trustees and Guardians to develop a limited range of measures or benchmarks for possible use at the national level.

PGT currently uses external benchmarks in relation to investment returns earned by the pooled investment funds it has establish on behalf of clients. PGT has piloted estate administration service commitments that are based on private sector best practices. In other areas, PGT is able to make comparisons to its own past performance using information reported in its previous annual reports.

D. Performance Measures

Goal # 1:
PROPERTY AND FINANCIAL INTERESTS OF PGT CLIENTS WILL BE WELL MANAGED.

Objectives:

- Disbursements from children's trusts will be made in a timely manner.
- Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner.
- Assets of clients' estates will be identified, secured and administered in a timely manner.
- Estate distributions will be made to heirs and beneficiaries.
- Client investments will be handled prudently.

Performance Measures	Targets				
	05/06 Actual	06/07 Forecast	2007/08	2008/09	2009/10
1. Percentage of disbursements from children's trusts completed within 15 days of request by the guardian or client	95%	90%	90%	90%	90%
2. Percentage of critical incident reports in respect of children in continuing care reviewed and action initiated by PGT within 60 days of receipt	N/A	N/A	95%	95%	95%
3. Percentage of personalized case plans, covering property, effects, legal issues and living arrangements that will be developed and implemented for new adult clients within 6 months of PGT appointment as Committee of Estate	74%	70%	70%	70%	70%
4. Percentage of client trust receipts processed within five business days	95%	90%	90%	95%	95%

Performance Measures	Targets				
	05/06 Actual	06/07 Forecast	2007/08	2008/09	2009/10
5. Percentage of client disbursements processed within 15 business days	94%	95%	95%	95%	95%
6. Physical assets of new deceased estates secured within 15 days of notification of death in 75% of estates and within 25 days in 90% of estates	94% within 15 days / 98% within 25 days	75% within 15 days/ 90% within 25 days	75% within 15 days/ 90% within 25 days	75% within 15 days/ 90% within 25 days	75% within 15 days/ 90% within 25 days
7. Percentage of deceased estate funds distributed to heirs and beneficiaries rather than transferred to the BC Unclaimed Property Society	85%	75%	75%	75%	75%
8. Investment returns for all three pooled funds match or exceed established benchmarks	2 of the 3 funds met or exceeded their bench-marks at March 31, 2006	Match or exceed established bench-marks	Match or exceed established bench-marks	Match or exceed established bench-marks	Match or exceed established bench-marks
9. Percentage of investment plans subject to review (according to the assessed level of risk associated with the client investment portfolio) completed within the next year	100%	95%	95%	95%	95%

Goal # 2:
PERSONAL INTEREST OF PGT CLIENTS WILL BE PROTECTED.

Objectives:

- The personal needs of children and youth clients will be protected.
- The personal interests and health care needs of adult clients will be addressed.

Performance Measures	Targets				
	05/06 Actual	06/07 Forecast	2007/08	2008/09	2009/10
1. Personalized expenditure plans will be developed and implemented for children awarded in excess of $50,000 for cost of care within six months of the PGT receiving funds and then annually reviewed	94%	90%	95%	95%	95%
2. Personalized expenditure plans will be developed and implemented for children and youth with assets in excess of $50,000 where on-going assistance with day-to-day maintenance has been approved within 20 days of receiving all decision-making information and then annually reviewed	92%	90%	95%	95%	95%
3. Percentage of Committee of Person adult clients who are annually visited by PGT staff	99%	85%	90%	95%	95%
4. Percentage of major health care substitute decisions for adults made within 3 working days of all relevant information being received	99%	90%	95%	95%	95%

Goal # 3:
STATUTORY PROTECTIVE AND MONITORING SERVICES WILL BE DELIVERED IN AN APPROPRIATE, TIMELY AND FAIR MANNER.

Objectives:

- Settlement reviews of legal claims of children and youth will be carried out in a timely manner.
- PGT will act to protect the assets of adults at risk for abuse, neglect and self-neglect.

Performance Measures	Targets				
	05/06 Actual	06/07 Forecast	2007/08	2008/09	2009/10
1. Percentage of proposed minors' settlements $5,000 and over that are reviewed and the parties advised of the PGT position within 60 days once all relevant information has been received	99%	90%	90%	90%	90%
2. For minors' settlements under $5,000, the average number of days to review and advise of the PGT position regarding proposed settlements once all relevant information has been received	9.9 days	20 days	20 days	20 days	20 days
3. Percentage of stakeholders reporting satisfaction with the PGT process for making recommendations on settlements of unliquidated damage claims for minors	100%	75%	75%	75%	75%

Performance Measures	Targets				
	05/06 Actual	06/07 Forecast	2007/08	2008/09	2009/10
4. Percentage of cases where, on confirming that the assets of an apparently abused or neglected adult unable to seek support and assistance are at significant risk and in need of immediate protection, protective steps are taken under s. 19 of the *Public Guardian and Trustee Act* within one working day	97%	90%	90%	90%	90%
5. Average age of Private Committee accounts that have been submitted for passing and are awaiting PGT decision	4.5 months	6 months	6 months	6 months	6 months

Goal # 4:
PGT WILL CONTRIBUTE TO PUBLIC AWARENESS, POLICY ISSUES AND LAW REFORM INITIATIVES TO PROMOTE THE INTERESTS OF CLIENTS.

Objectives:

- PGT will make relevant, useful and affordable recommendations to government for law reform affecting clients.
- PGT will promote an understanding of its role among clients, stakeholders and the public.

Performance Measures	Targets				
	05/06 Actual	06/07 Forecast	2007/08	2008/09	2009/10
1. PGT role explained by PGT representatives at stakeholder conferences/events and other public education forums	91 present-ations	50 present-ations	50 present-ations	50 present-ations	50 present-ations
2. Identify trends and systemic issues related to PGT's role on behalf of children in Provincial care	NA	NA	Develop data collection and analysis	To be determined in 2007/08	To be determined in 2007/08
3. Prepare a report to the Attorney General respecting a Code of Practice to guide and assist adult guardians in carrying out their duties	NA	NA	Submit report to the Attorney General by March 31, 2008	NA	NA

Goal #5:
THE PGT WILL DELIVER HIGH QUALITY CLIENT-CENTRED SERVICES TO CLIENTS.

Objectives:

- The PGT will meet client expectations for quality, equitable and accessible services.
- Mission critical information technology systems and processes will support PGT business activities.

Performance Measures	Targets				
	05/06 Actual	06/07 Forecast	2007/08	2008/09	2009/10
1. Percentage of heirs and beneficiaries responding to survey who rated administration services for deceased estates as good or very good	96%	75%	75%	75%	75%
2. Implement case management system in phases	RFP prepared by March 31, 2006	Implement-ation commenced by March 31, 2007	First level enhance - ments completed by March 31 2008	Second level enhance-ments completed by March 31, 2008	NA

VI. RELATIONSHIP TO PROVINCIAL GOVERNMENT STRATEGIC PLAN

PGT duties and responsibilities are in full alignment with goal three of the Province's five Great Goals announced in 2005:

- Build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors.

PGT clients comprise persons with developmental disabilities, special needs including mentally ill persons and persons living with acquired brain injury, children at risk and seniors. PGT is committed to assisting clients to have the best quality of life they can and to act in accordance with client wishes where possible. PGT encourages maximum self-sufficiency and strives for minimal intervention consistent with the need for protection.

In planning and delivering services to existing clients, PGT works cooperatively with both clients and their friends and families and a broad range of community groups and service providers. These include other organizations with statutory authority such as the Director of Child Protection, Registrar of Assisted Living, Community Living BC and Health Authorities.

VII. SUMMARY FINANCIAL OUTLOOK

A. Operating Cost Projections for 2007/08 through 2009/10

Program	2007-2008 Operating Revenue	Operating Expenditure	Net	2008-2009 Operating Revenue	Operating Expenditure	Net	2009-2010 Operating Revenue	Operating Expenditure	Net
	All amounts are quoted in thousands of dollars								
Trust and Estate Services2									
Services to Adults	6,963	8,725	(1,762)	7,005	8,887	(1,882)	6,906	9,015	(2,109)
Estate and Personal Trust Services 4	2,653	3,260	(607)	2,763	3,333	(570)	2,873	3,385	(512)
Child and Youth Services	2,189	1,911	278	2,189	1,975	214	2,189	1,996	192
Public Services3									
Services to Adults									
- Assessment & Investigation	0	784	(784)	0	798	(798)	0	810	(810)
- Committee of Person	0	212	(212)	0	217	(217)	0	221	(221)
- Private Committee Services	500	1,201	(701)	500	1,224	(724)	500	1,244	(744)
- Health Care Decisions	0	685	(685)	0	698	(698)	0	709	(709)
- Public Education and Community Development	0	341	(341)	0	365	(365)	0	370	(370)
Child and Youth Services									
- Guardian for Children in Care	164	1,272	(1,109)	164	1,298	(1,134)	164	1,318	(1,154)
- Infant Settlement Reviews & other legal	500	1,045	(545)	500	1,068	(568)	500	1,087	(587)
- Notices	275	559	(284)	275	569	(294)	275	578	(303)
- Critical Incidents Reporting Response	0	1,101	(1,101)	0	2,033	(2,033)	0	2,073	(2,073)
Voted Funding			8,757			9,974			10,303
Revenue in excess of expenditure			904			904			904
Projected permanent FTEs			224			234			234

Rounding differences may be present.

1 Costs of central services that cannot be directly charged to a program area are allocated as follows:
- Executive Office including Planning, Community Liaison and Communications charged as an equal percentage to each area.
- Financial services including investment charged to program areas based on a percentage of transactions generated.
- Administration and Corporate Financial Services charged to program areas based on a percentage of staffing.

2 Trust and Estate Services include Client Services and Estate Liaison in Services to Adults; Estate and Personal Trust Services and Trust Services in Child and Youth.

3 Public Services include Adult Guardianship [Health Care Consent, Community Liaison, and response to Abuse and Neglect], Assessment and Investigation and Private Committee Services in Services to Adults and guardianship to children in care, infant settlements and other legal reviews in Child and Youth Services.

4 Estate and Personal Trust Services includes a backlog of non-fee generating accounts transferred from County Administrators.

B. Special Account Summary

	Public Accounts	Delegated Budget	Service Delivery Plan		
	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
Special Account equity beginning balance	**$13,518**	**$15,470**	**$16,374**	**$17,278**	**$18,182**
Total self-generated and voted funding	18,505	18,481	20,114	21,331	21,660
Total Operating Expenditure (net)	16,553	17,577	19,210	20,427	20,756
Excess of revenue over expenditure	1,952	904	904	904	904
Capital expenditure	793	1,024	1,024	784	784
Adjustment for capitalization of assets	(793)	(1,024)	(1,024)	(784)	(784)
	0	0	0	0	0
Special Account Equity Ending Balance	**$15,470**	**$16,374**	**$17,278**	**$18,182**	**$19,086**

VIII. CONTACT INFORMATION

Locations:

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Toll-free calling is available by dialing Service BC and asking to be transferred to the Public Guardian and Trustee. From the Lower Mainland, call Service BC at (604) 660-2421, from the Victoria area call (250) 387-6121 and from anywhere outside of the Lower Mainland or Victoria areas, call the toll-free number at 1-800-663-7867

For further information:

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